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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,171	08/23/2005	Hermann Schennach	72.099	5733

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EXAMINER

ADDIE, RAYMOND W

ART UNIT PAPER NUMBER

3671

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/518,171	<b>Applicant(s)</b> SCHENNACH ET AL.	
	<b>Examiner</b> Raymond W. Addie	<b>Art Unit</b> 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/15/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stayner # 6,551,022 B1 Fronhauer, Jr. # 3,232,188.

Stayner discloses a soil compacter (10) comprising:

A lower mass (12), comprising a compacting plate.

An upper mass (20) connected with the lower mass (12) via,

A spring damping device (16).

A vibration generator (22) that oscillates the compacting plate (12).

What Stayner does not disclose is the use of a hand truck or similar transporting means.

Fronhauer teaches a soil compacting device comprising:

However, Fronhauer teaches it is well known to provide soil compactors (20) with a wheeled support frame (22/24) including elements (26, 28, 30, 32). See Col. 1, Ins. 1-5.

The frame supporting a pair of wheels (21), raised above and out of contact with the soil being compacted.

Wherein the machine can be tilted to a transport position, wherein the wheels (21) permit rolling the machine to and from, while the compacting plate, which is attached to the wheels (21), is raised above and out of contact with the soil just compacted.

The provision of the wheels obviating the need for one or more people to lift and carry the machine to a work truck or the like. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the soil compactor of Stayner, with transport wheels, as taught by Fronhauer, in order to save effort and injury to operator of the machine. See Fronhauer Col. 2.

With respect to claims 2-7 Fronhauer clearly teaches by illustration that; for the given wheel (21) diameter, the axial position of the wheel axle (unnumbered), is selected such that, in a vibration position, the compacting plate (38) makes flat contact with the soil as at (114), and the wheels (21) are raised above, and out of contact with the soil being compacted. See Figs. 7-10. Fronhauer further teaches the change, from a compacting position, to a transport position is affected by tipping the machine about an axis that corresponds essentially to the wheel axle. Such that, the axial position of the wheel axle and the size of the wheels (21) are adapted to permit; in a vibrating position a distance to exist between the soil contact surface (114) of the plate (38), and the lowest point of the wheels (21), and a distance exists in the transportation position, between the soil compaction plate surface (114) and the soil being transported over.

Fronhauer further teaches the upper mass (34) is supported on a step surface (32) that positions the center of gravity of the machine to facilitate tipping said machine between the vibrating position and the compacting position. See Figs. 7-10; col. 2.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the compacting machine of Stayner, with a wheels assembly, positioned as taught by Fronhauer, to facilitate tipping the machine onto the transport wheels (21) for ease of transport.

### ***Conclusion***

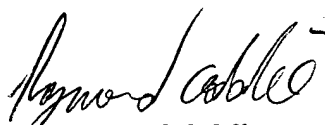
2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Greppmair # 6,293,729 discloses a compactor having transport wheels. De Boer # 6,394,697 B1 discloses a compactor. MacLellan # 6,409,426 B1 discloses a soil compactor Stayner # 6,588,977 B1 discloses a soil compactor.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 571 272-6986. The examiner can normally be reached on 6AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3671

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**Raymond Addie**  
**Primary Examiner**  
**Group 3600**

9/29/06